



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 26, 1996

Ms. Merri Schneider-Vogel  
Bracewell & Patterson  
South Tower Pennzoil Place  
711 Louisiana Street, Suite 2900  
Houston, Texas 77002-2781

OR96-2229

Dear Ms. Schneider-Vogel:

You have ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102018.

The La Marque Independent School District (the "district") received a request for the exhibits reviewed by the district's board of trustees in a public hearing concerning the non-renewal of a teacher's contract. Your letter states:

Some of the documents appear to fit in the category of documents evaluating the performance of a teacher or administrator, which are deemed confidential by Section 21.356 of the Texas Education Code. The District is seeking a decision by you regarding whether these documents are still confidential in light of the fact that they were presented at a hearing that was conducted in open session under the Open Meetings Act pursuant to the teacher's request.

We note initially that information made confidential by law does not become public because it is discussed in a public hearing or public meeting. Open Records Decision No. 548 (1990). We have reviewed the information you submitted to this office. We agree that some of the documents at issue are confidential under section 21.355 of the Texas Education Code and have marked these documents as confidential. The other documents submitted to this office are not confidential and may not be withheld from disclosure by section 21.355 of the Education Code.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 102018

Enclosures: Marked documents

cc: Mr. Gerson D. Bloom, P.C.  
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P.O. Box 2561  
Galveston, Texas 77553  
(w/o enclosures)